

**Before the
Federal Communications Commission
Washington, D.C.**

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Federal Communications Commission
Office of Secretary

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 05-282
Table of Allotments,)	RM-11229
)	
FM Broadcast Stations.)	
(Rockmart and Aragon, Georgia, and)	
Lynchburg and Chattanooga, Tennessee))	

To: Office of the Secretary

COUNTERPROPOSAL

Bart Walker, by his attorneys, and pursuant to Section 1.420(d) of the Rules, hereby submits the following counterproposal in response to the Commission's Notice of Proposed Rule Making, DA 05-2693, MB Docket No. 05-28, RM-11229, released October 14, 2005.

In consequence of a Petition for Rule Making filed by Women's World Broadcasting, Inc. (WWB), licensee of Station WTSH-FM, Channel 296C2, Rockmart, Georgia, the Commission is seeking comments on the proposed amendment of the FM Table of Allotments, 47 C.F.R. Section 73.202(b) to allot Channel 296C1 to Aragon, Georgia, to delete Channel 296C2 from Rockmart, Georgia, to downgrade Channel 293C in Chattanooga, Tennessee, to Channel 293C0, and to substitute Channel 230A for Channel 296A at Lynchburg, Tennessee.

In lieu of the WWB proposal, Mr. Walker proposes to allot Channel 230A to Wartrace, Tennessee, as its first local radio service, retain Channel 296A at Lynchburg, Tennessee, and eliminate the downgrade of Channel 230C at Chattanooga, Tennessee, all of which would permit WTSH-FM to operate on Channel 296C2 as it proposes to do in its application for

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modification of its existing construction permit (File No. BMP-20050513AAY). Further, Mr. Walker's attached Declaration contains his commitment to make application for a new FM station at Wartrace should Channel 230A be allocated to the community.

Mr. Walker's counterproposal accomplishes virtually the same benefit in terms of service to the public as does the WWB proposal. It provides a badly needed first local radio service at Wartrace, Tennessee, but without the disruption caused by WWB's proposal. Instead, contrary to WWB's complex plan, Channel 296A would be retained at Lynchburg as that community's first local service and Channel 293C at Chattanooga would not be required to be downgraded to a C0 facility. Moreover, WWB's application to modify its current construction permit would result in service within its 60 dBu contour of 1,221,980 persons. Additionally, Rockmart, Georgia would not lose its only local FM service and second local radio service. Rockmart may have another local radio service, but it is a very limited facility, operating with 500 watts daytime and only 103 watts at night.

Exhibit A attached hereto demonstrates that Wartrace, Tennessee, founded in 1853, is a growing community with a 2000 Census population of 548 persons, a mayor, police department, U.S. Post Office, elementary, middle and high schools, Parks and Recreation Department, Chamber of Commerce, and nationally known industries.

The attached technical exhibit of Gary Brown confirms that the allocation of Channel 230A to Wartrace is consistent with technical requirements for the installation of a new FM station at Wartrace and that no urbanized area is traversed by such station's service contours.


In sum, Mr. Walker's proposal to allot Channel 230A meets all Commission requirements for the provision of a new FM station in a community lacking a local service

without the necessity of changing other allocations, in distinct contrast to the proposal of WWB which would necessitate three changes in allotments and mirror what WWB has already applied for in its modification of its existing construction permit.

It is therefore respectfully requested, on behalf of Bart Walker, that the Commission allot Channel 230A to Wartrace in lieu of adopting WWB's complicated plan.

Respectfully requested,

BART WALKER

By: 

Richard F. Swift
His Attorney

Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Avenue, NW
Suite 200
Washington, DC 20036
(202)728-0400

December 5, 2005

TECHNICAL STATEMENT OF GARY M. BROWN:


BACKGROUND:

In response to a Petition for Rule Making filed by Woman's World Broadcasting, Inc. (WWB), licensee of WTSH-FM, 296C2 at Rockmart, Georgia, the Federal Communications Commission (FCC) has issued a Notice of Proposed Rule Making (NPRM), RM-11229, seeking comment on WWB's proposal to upgrade WTSH-FM from Class C2 to Class C1, and to change the city of license from Rockmart to Aragon, Georgia. In addition, it is proposed to change the Class A allocation at Lynchburg, Tennessee, from 296A to 230A and to downgrade WSKZ-FM, at Chattanooga, Tennessee, from 293C to 293C0. WWB also has an application pending before the FCC for minor modification of WTSH-FM to change transmitter location (File No. BMPH-20050513AAY).

DISCUSSION:

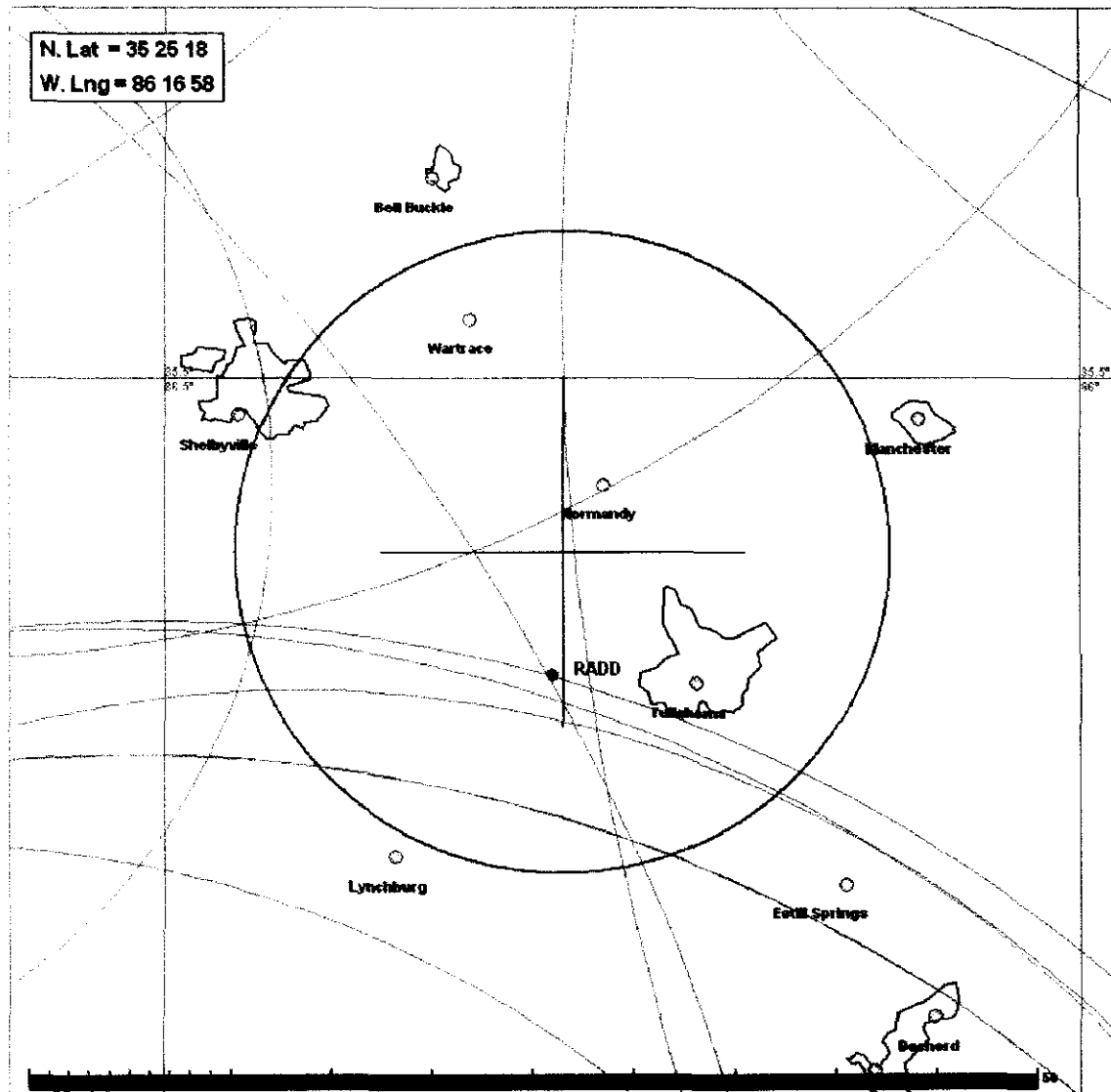
This counterproposal proposes to retain 296A at Lynchburg, Tennessee and add a new service on 230A at Wartrace, Tennessee, in full compliance with FCC Rule 73.207, minimum distance separations between stations. The counterproposal permits (a) approval of the pending application of WWB for minor CP modification of WTSH (BMPH-20050513AAY) without the deletion of 296A at Lynchburg or the downgrade of 293C at Chattanooga and (b) allocation of 230A to Wartrace as a first local service. An FM station located at Wartrace would have a 60 dBu signal contour covering 2,512 square kilometers and a population of 93,812 persons. No contours fall in any urbanized areas. Thus, Lynchburg and Wartrace will each have channels which constitute first local services. Note that FCC RM-10825 amends the table of allotments 73.202(b) downgrading WHP 227C1 at Tullahoma, Tennessee to 227C2 at New Market, Alabama. Therefore this proposal at Wartrace demonstrates full compliance with applicable FCC allotment Rules.

CERTIFICATION:

Gary M. Brown states that the information presented is true and correct to the best of his knowledge and belief. 

Technical Consultant
Post Office Box 50819
Nashville, Tennessee 37205
(615) 321-6815 gbrown@nashville.net

CH 230 A , 93.9 MHz
PROPOSED WARTRACE TENNESSEE ALLOCATION



Data Date:11-10-05 Job Date:11-10-05

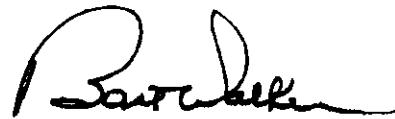
Call	CH#	Type	Location		Azi	D-KM	FCC	Margin
RADD	230A	ADD	Lynchburg	TN	184.7	6.18	115.0	-108.82
WHRP	227C1	LIC	Tullahoma	TN	191.7	43.88	75.0	-31.12
WAYA	230C3	LIC N	Spring City	TN	84.7	142.57	142.0	0.57
WFFH	231A	LIC	Smyrna	TN	334.4	73.82	72.0	1.82
WFFH.A	231A	APP	Smyrna	TN	334.4	73.82	72.0	1.82
WYTK	230A	LIC N	Rogersville	AL	238.8	118.74	115.0	3.74
AL231	231A	RSV	Gurley	AL	195.2	78.19	72.0	6.19
WXQW	231A	LIC-Z	Meridianville	AL	196.7	79.21	72.0	7.21
AL227	227C2	RSV	New Market	AL	192.0	63.32	55.0	8.32
WXQW.A	231A	APP	Gurley	AL	194.5	84.90	72.0	12.90
WXQW.A	231A	APP	Gurley	AL	194.5	84.93	72.0	12.93
WJMF	232A	LIC	Lewisburg	TN	274.2	45.49	31.0	14.49
WJMF.A	232A	APP	Lewisburg	TN	274.2	45.49	31.0	14.49
WHRP.C	227C2	CP -Z	New Market	AL	204.5	76.58	55.0	21.58
WBXE	229C3	LIC N	Baxter	TN	42.6	115.60	89.0	26.60
WFFI	229A	LIC	Kingston Springs	TN	321.7	101.53	72.0	29.53
WSGM	284A	LIC-D	Coalmont	TN	107.5	52.34	10.0	42.34

Call	CH#	Type	Location		Azi	D-KM	FCC	Margin
WMPZ	229A	LIC N	Ringgold	GA	119.7	116.82	72.0	44.82
WJTT	232A	LIC	Red Bank	TN	109.8	96.08	31.0	65.08
WDJCFM	229C0	LIC	Birmingham	AL	194.2	226.22	152.0	74.22

Declaration

I, Bart Walker, hereby state under penalty of perjury, that I am the proponent of the attached Counterproposal in the Rule Making instituted by the Federal Communications Commission in MB Docket No. 05-282, RM-11229, that I will file an application for a new FM station on Channel 230A at Wartrace, Tennessee and that I will construct those facilities if my application is granted.

I prepared Exhibit A describing the community of Wartrace, Tennessee, and obtained the attached letter dated November 15, 2005 from Jim Tracy, State Senator, of the State of Tennessee. The information contained in Exhibit A is true and correct to the best of my knowledge, information and belief.



Bart Walker

Date: 12/4/05

EXHIBIT A

Wartrace, Tennessee

Wartrace, Tennessee is a growing community located in the eastern section of Bedford County. This beautiful town was founded in 1853, and it has a rich history as a railroad town and the birthplace of the internationally known Tennessee Walking Horse.

The **Wartrace Chamber of Commerce** through its **Parks and Recreation Department** is creating a Historic Walking Trail with marker telling of the community's rich heritage. Don Gallagher serves as mayor of Wartrace, and Chief Billy Smith heads the **Wartrace Police Department** while Postmaster Willie Gibbs is in charge of the **U.S. Post Office** located on Blackman Boulevard.

Some of the better known businesses in Wartrace include **K & A Crylics**. For a quarter of a century this firm has manufactured displays for businesses around the world.

Another internationally known Wartrace factory is **Gallagher Guitars**. J. W. Gallagher became a well-known cabinet maker in the late 1930's, but by 1965 was manufacturing only guitars. Now Gallagher guitars are used by professional musicians around the world and bring thousands of dollars each. Gallagher guitars are distributed to music dealers across this nation as well as in England, Germany, Ireland, Japan and other places.

The **Blockade Runners** is another well-known manufacturer. This firm makes historic reproductions of Civil War clothing, muskets, cannons, sabers, and more. Like other Wartrace businesses, this firm's products are purchased around the world. In addition to Civil War clothing and weapons, this Wartrace firm also creates Scottish and Celtic items.

Wartrace has an elementary, middle school and high school. It is also the home of the famous **Walking Horse Hotel**. This three-story historic structure delights visitors who want to get away from the hustle of today. Its dining room is known for superb family style dinning. There are many other well known restaurants as well as nationally known bed and breakfasts located in Wartrace.

Wartrace is in one of the fastest growing population areas of the nation. The 2000 U.S. Census shows a population of 548 persons, however large subdivisions are already under construction or in the planning stages.

Senator Jim Tracy

District Office

410 New Salem Hwy. Ste 101

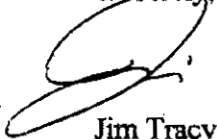
Murfreesboro, TN 37129

November 15, 2005

To Whom It May Concern:

In a society where we are constantly on the move the ability to access fast, reliable information on the go is vital. Wartrace is experiencing fast growth, and as more people move into and commute through the area the ability to receive correct information on the go is becoming progressively more important. One of the most accepted ways to transmit information throughout communities is through a local radio station. It is for this reason that I feel a new radio station in the Wartrace area would be highly beneficial for not only the citizens of the area, but also for those in surrounding communities and for those who commute through Wartrace on a daily basis.

Sincerely,



Jim Tracy

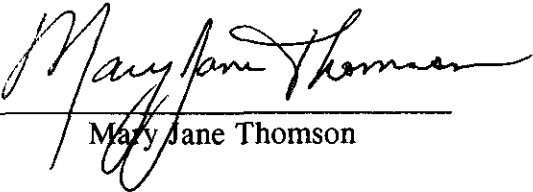
State Senator

CERTIFICATE OF SERVICE

I, Mary Jane Thomson, hereby certify that a copy of the foregoing Counterproposal was mailed by First Class U.S. Mail, postage prepaid, this 5th day of December 2005, to the following:

Mr. Gary S. Smithwick, Esq.
Smithwick & Belendiuk, P.C.
5028 Wisconsin Avenue, N.W.
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Washington, D.C. 20016

Citadel Broadcasting Company
7201 W. Lake Mead Boulevard
Suite 400
Las Vegas, Nevada 89128
(Licensee of WSKZ)



Mary Jane Thomson